

House Bill 1016 (AS PASSED HOUSE AND SENATE)

By: Representatives Golick of the 34th, Hatfield of the 177th, Levitas of the 82nd, Ramsey of the 72nd, Setzler of the 35th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 8 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to identity fraud, so as to revise a term so as to include businesses as potential identity theft victims; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 8 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to identity fraud, is amended by revising subsection (a) of Code Section 16-9-121, relating to elements of the offense of identity fraud, as follows:

"(a) A person commits the offense of identity fraud when he or she willfully and fraudulently:

(1) Without authorization or consent, uses or possesses with intent to fraudulently use; identifying information concerning ~~an individual~~ a person;

(2) Uses identifying information of an individual under 18 years old over whom he or she exercises custodial authority;

(3) Uses or possesses with intent to fraudulently use; identifying information concerning a deceased individual;

(4) Creates, uses, or possesses with intent to fraudulently use; any counterfeit or fictitious identifying information concerning a fictitious ~~individual~~ person with intent to use such counterfeit or fictitious identification information for the purpose of committing or facilitating the commission of a crime or fraud on another person; or

(5) Without authorization or consent, creates, uses, or possesses with intent to fraudulently use; any counterfeit or fictitious identifying information concerning a real ~~individual~~ person with intent to use such counterfeit or fictitious identification information for the purpose of committing or facilitating the commission of a crime or fraud on another person."

SECTION 2.

Said article is further amended by revising paragraph (4) of Code Section 16-9-128, relating to exemptions, as follows:

"(4) The good faith use of identifying information with the permission of the affected individual person."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.